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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION TWO

LAURIE MARIE LASKEY,  
Plaintiff and Appellant,

v.

SHILOH GROUP, LLC,  
Defendant and Respondent.

A123791

(Sonoma County  
Super. Ct. No. SCV-242288)

Laurie Marie Laskey filed in propria persona a first amended complaint (FAC) alleging negligence and other torts against Shiloh Group, LCC (the Shiloh Group). The Shiloh Group demurred to her FAC, and the lower court sustained the demurrer with leave to amend as to the premises liability claim and without leave to amend as to the other claims. Laskey appeals from the order regarding the demurrer. The Shiloh Group requests that we dismiss her appeal for failing to appeal from a judgment or an appealable order. We agree that Laskey is not appealing from an appealable order and we dismiss the appeal.

On January 30, 2008, Laskey filed a complaint for personal injury against the Shiloh Group. She alleged causes of action for general negligence, intentional tort, products liability, and premises liability. She also alleged a cause of action for “computer crimes, identity theft, FCC violations, code violations, technical violations, split tunneling, security breach, invasion of privacy, stalking, etc.” Laskey asserted that the

wiring between the Shiloh Group and her “personal property caused a security breach.” With regard to her premises liability cause of action, she wrote that she suffered an injury on October 17, 2002, when the Shiloh Group’s “connection to my personal residence created a security breach which has caused me to lose my means of employment, emotional distress, etc.”

On March 26, 2008, the Shiloh Group filed a demurrer to Laskey’s complaint. The Shiloh Group asserted that Laskey’s pleading did not state facts sufficient to constitute a cause of action and her claims were barred by the statute of limitations. The Shiloh Group stated that it was in the business of property management and, “for reasons unknown,” Laskey was blaming it for having her identity stolen on-line in 2002. The Shiloh Group added: “It is a complete mystery to the Shiloh Group how they could be involved in such an event as they are not in the business of providing any computer related product and have never heard of Ms. Laskey.”

The trial court sustained the Shiloh Group’s demurrer with leave to amend on July 28, 2008.

Prior to the lower court’s ruling on the Shiloh Group’s demurrer, Laskey filed her FAC on July 24, 2008. She set forth claims for general negligence, intentional tort, products liability, premises liability, and “mass tort.” Under the premises liability cause of action, she stated that the injury occurred on October 17, 2002, when the Shiloh Group’s “connection” to her personal residence created a security breach that caused her to lose her “means of employment, emotional distress, etc.” Additionally, she wrote with regard to the premises liability claim that there was something wrong with the wiring in her dwelling.

The Shiloh Group filed a demurrer to Laskey’s FAC on August 22, 2008. Laskey did not file any opposition. The minute order of October 30, 2008, indicated that the court sustained without leave to amend the Shiloh Group’s demurrer to Laskey’s FAC as to all causes of action except for the cause of action for premises liability. As to the claim for premises liability, the court sustained the Shiloh Group’s demurrer with leave to amend. The court noted that, as for the premises liability claim, Laskey “fails to

sufficiently allege an argument that the amended complaint overcomes the bar of the statute of limitations and fails to state causes of action against defendant with sufficient certainty to state a cause of action.”

Subsequently, on December 9, 2008, Laskey filed a motion to vacate.

On December 29, 2008, Laskey filed a notice of appeal.

In this and at least six other appeals by Laskey in this court, Laskey has filed the identical opening brief. These briefs are incomprehensible and do not comply with the California Rules of Court. These briefs, among other things, violate the California Rules of Court, rule 8.204(a)(1) because they do not contain a statement of appealability, lack a table of contents, fail to provide citations to the record, do not include a statement of the action’s procedural history, and do not contain a summary of significant facts limited to matters in the record. Laskey also has failed to provide any pertinent legal argument and has not explained the relevance of the various federal statutes that she does cite. (See, e.g., *Kim v. Sumitomo Bank* (1993) 17 Cal.App.4th 974, 979 [court is not required to discuss or consider points not argued or supported by citation to authorities or the record].) Additionally, she has not provided the court with a proper record and has failed to include the operative complaint in the record on appeal. Any future appellate briefs filed by Laskey in this court in this lawsuit or any other lawsuit that fail to comply with the rules will be stricken pursuant to California Rules of Court, rule 8.204(e)(2)(B).<sup>1</sup>

It is a well established principle that no appeal may properly be taken from an order resolving a demurrer, whether the demurrer is sustained or overruled. (*Coast Plaza Doctors Hospital v. UHP Healthcare* (2002) 105 Cal.App.4th 693, 699; *Hill v. City of Long Beach* (1995) 33 Cal.App.4th 1684, 1695.) In some cases, appellate courts have

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<sup>1</sup> Laskey is in propria persona, but a party appearing in propria persona “is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys.” (*Barton v. New United Motor Manufacturing, Inc.* (1996) 43 Cal.App.4th 1200, 1210.) “ ‘[T]he in propria persona litigant is held to the same restrictive rules of procedure as an attorney.’ ” (*Bianco v. California Highway Patrol* (1994) 24 Cal.App.4th 1113, 1125-1126; accord, *First American Title Co. v. Mirzaian* (2003) 108 Cal.App.4th 956, 958, fn. 1.)

saved an appeal where a demurrer is sustained as to all causes of action without leave to amend by treating the demurrer order as an order of dismissal or a judgment in the interest of judicial economy. (See, e.g., *Coast Plaza Doctors Hospital v. UHP Healthcare, supra*, 105 Cal.App.4th at p. 699; *Smith v. Hopland Band of Pomo Indians* (2002) 95 Cal.App.4th 1, 3, fn. 1.) Other appellate courts have refused. (See, e.g., *Hill v. City of Long Beach, supra*, 33 Cal.App.4th at pp. 1695-1696.)

Here, the Shiloh Group's demurrer to Laskey's FAC was sustained with leave to amend as to the premises liability claim, and sustained without leave to amend as to all of the other claims. Accordingly, we cannot deem the order on the demurrer to be an order of dismissal or judgment as to the Shiloh Group because, at the time of the order on the demurrer, there was still a claim pending against the Shiloh Group, albeit in a defective form. The law is clear that a judgment or dismissal cannot issue where the court has not disposed of all causes of action against a party (*Mounger v. Gates* (1987) 193 Cal.App.3d 1248, 1254), and that an order granting a demurrer with leave to amend does not dispose of a cause of action (*U.S. Financial v. Sullivan* (1974) 37 Cal.App.3d 5, 11).<sup>2</sup>

Laskey is not appealing from an appealable order, and we hereby dismiss this appeal.

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<sup>2</sup> In *Mounger v. Gates, supra*, 193 Cal.App.3d 1248, the court treated the appeal from an order sustaining a demurrer without leave to amend as to some causes of action as a writ "because it present[ed] a question of public importance." (*Id.* at p. 1254.) No such issues are presented here. In *U.S. Financial v. Sullivan, supra*, 37 Cal.App.3d 5, the court treated the improper appeal as a writ because it was "unthinkable to permit [the] complex case [before the court] to go to trial on only some of the counts because of an erroneous ruling by the trial court on defendants' demurrers when to do so would almost certainly result in an eventual appeal and reversal of the judgment because of this error." (*Id.* at p. 12.) No such errors appear in the trial court's ruling here.

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Lambden, J.

We concur:

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Kline, P.J.

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Richman, J.